



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,694	03/17/2004	Toshio Yamagiwa	0505-1280P	1883
2292 7590 02/01/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER YUN, EUGENE	
			ART UNIT	PAPER NUMBER
			2618	
			NOTIFICATION DATE	DELIVERY MODE
			02/01/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/801,694

Applicant(s)

YAMAGIWA, TOSHIO

Examiner

Eugene Yun

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,7,9,11,15,17,20 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,7,9,11,15,17,20 and 22-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The amendment filed 11/9/2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: All of the added limitations to paragraph [0032] including "The vehicle seat 90 includes an internal member 92 extending between a front and a rear of the vehicle seat 90. A front side of the internal member 92 faces substantially in a forward direction, and a rear side of the internal member 92 faces substantially in a rearward direction. Vehicle seat 90 has a seat surface 91, a central portion of which the rider sits upon", and all limitations regarding "central portion".

Applicant is required to cancel the new matter in the reply to this Office Action.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the reference numbers 91 and 92 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 22-27 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 22-24 teach at least two tags or multiple tags attached inside the resin member or vehicle seat. Nowhere is the specification does it state that there are two or

more tags attached inside the front **and** rear of the seat. The specification only states a tag attached inside the front **or** rear of the seat.

Claims 25-27 depend on claims 22-24.

Claim 23 also teaches "...the vehicle seat includes an internal member extending between a front and a rear of the vehicle seat, wherein a front side of the internal member faces substantially in a forward direction, and a rear side of the internal member faces substantially in a rearward direction...". This limitation is nowhere in the specification except for the newly added limitation in paragraph [0032] of the specification, which the examiner previously stated was new matter.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 7, 9, 11, 15, 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johannes (NL 9101758) in view of Yassin et al. (US 6,505,780).

Referring to Claim 1, Johannes teaches a vehicle, comprising:

A tag, said tag being mounted in the vehicle, the tag including a recording medium in which identification information for identifying the vehicle is registered (see first 2 lines of ABSTRACT);

Johannes does not teach the tag attached inside a vehicle seat to be sat on by a user in the vehicle, said vehicle seat being composed of a resin member. Yassin teaches the tag attached inside a vehicle seat to be sat on by a user in the vehicle, said vehicle seat being composed of a resin member, wherein the vehicle seat is a primary vehicle seat that is directly attached to the vehicle (see col. 5, lines 19-30), and wherein the tag is located adjacent to a front or rear of the seat so that a distance between the tag and an outside of the seat is small such that the identification information of the vehicle can be obtained via a tag reader placed near the tag attached inside the primary vehicle seat (see fig. 1 and col. 5, lines 19-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Yassin to said device of Johannes in order to provide a more clear interrogation of a RFID tag with less interference.

Referring to Claim 9, Johannes teaches a vehicle, comprising:

A vehicle body (see ABSTRACT noting that a bicycle has a vehicle body);

A vehicle seat composed of a resin member attached to said vehicle body, said vehicle seat to be sat on by a user in the vehicle (see lines 2-7 of ABSTRACT); and

A tag attached inside said resin member, said tag including a recording medium in which identification information for identifying the vehicle is registered (see first 2 lines of ABSTRACT).

Johannes does not teach the tag attached inside said resin member of said vehicle seat. Yassin teaches the tag attached inside said resin member of said vehicle seat, wherein the vehicle seat is a primary vehicle seat that is directly attached to the vehicle

(see col. 5, lines 19-30), and wherein the tag is located adjacent to a front or rear of the seat so that a distance between the tag and an outside of the seat is small such that the identification information of the vehicle can be obtained via a tag reader placed near the tag attached inside the primary vehicle seat (see fig. 1 and col. 5, lines 19-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Yassin to said device of Johannes in order to provide a more clear interrogation of a RFID tag with less interference.

Referring to Claim 17, Johannes teaches a resin member for a vehicle, comprising:

A tag, said tag including a recording medium in which identification information for identifying the vehicle is registered (see first 2 lines of ABSTRACT).

Johannes does not teach said tag being attached inside the resin member, wherein the resin member is a vehicle seat to be sat on by a user in the vehicle. Yassin teaches said tag being attached inside the resin member, wherein the resin member is a vehicle seat to be sat on by a user in the vehicle, wherein the vehicle seat is a primary seat that is directly attached to the vehicle (see col. 5, lines 19-30), and wherein the tag is located adjacent to a front or rear of the seat so that a distance between the tag and an outside of the seat is small such that the identification information of the vehicle can be obtained via a tag reader placed near the tag attached inside the primary vehicle seat (see fig. 1 and col. 5, lines 19-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Yassin to said

device of Johannes in order to provide a more clear interrogation of a RFID tag with less interference.

Referring to Claims 3 and 11, Johannes also teaches a saddle-type vehicle (see ABSTRACT noting that a bicycle is a saddle-type vehicle).

Referring to Claims 7, 15, and 20, Johannes also teaches an RFID tag including an IC and means for transmitting/receiving radio signal embedded therein (see last 5 lines of ABSTRACT).

Response to Arguments

7. Applicant's arguments filed 11/9/2007 have been fully considered but they are not persuasive.

The definitions of "tag" and "reader" differ between the claimed invention and what is taught in the Yassin reference. The Yassin reference teaches an RFID reader attached "**within or near the driver's seat**". However, the devices operate in similar fashion between the claimed invention and what is taught in the Yassin reference, both having one RFID device held by a user and another RFID device inside the vehicle. Therefore, the examiner concludes that the RFID reader in the Yassin reference is the same as the RFID tag in the claimed invention.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (571) 272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/801,694
Art Unit: 2618

Page 9

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Eugene Yun
Examiner
Art Unit 2618

EY


MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER